

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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JOHN LEZELL BALENTINE,

*Petitioner,*

v.

RICK THALER, Director  
Texas Department of Criminal Justice,  
Correctional Institutions Division

*Respondent.*

Action No. 2:03-CV-0039

**\*\*Capital Litigant\*\***

ECF

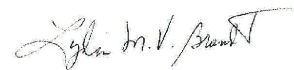
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**NOTICE OF APPEAL**

Notice is given that Petitioner, John Lezell Balantine, appeals to the United States Court of appeals for the Fifth Circuit from the Amended Order Accepting and Adopting Report and Recommendation of the United States Magistrate Judge, Denying Motion for Stay of Execution, and Granting Request for a Certificate of Appealability, [Doc # 128], entered in this case on August 10, 2012.

In its Amended Order [Doc #128], the district judge granted a certificate of appealability, and authorized Mr. Balentine to proceed *in forma pauperis*.

Respectfully submitted,



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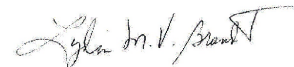
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### **CERTIFICATE OF SERVICE**

This certifies that on August 13, 2012, I electronically filed the foregoing document with the clerk of court for the US District Court Northern District Texas using the electronic case filing system of the court. The electronic case filing system sent a notice of electronic filing to the following attorney of record, who has consented in writing to accept this notice as service of this document by electronic means:

Katherine Hayes, Assistant Attorney General  
Attorney General's Office  
P.O. Box 12548, Capitol Station  
Austin, TX 78711-2548



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